DISTRICT COURT, WATER DIVISION 3, STATE OF COLORADOTO: ALL PERSONS INTERESTED IN WATER APPLICATIONS FILED INWATER DIVISION 3.

Pursuant to C.R.S. 37-92-302(3), you are notified that the following is a resume inWater Division 3, containing notice of applications and certain amendments filed in theoffice of the Water Clerk during the month of January 2024 for each county affected.

**2024CW1: Price Heritage, LLC, 48065 CR C Center, CO 81125,** [**andrew@pricefarmsllc.com**](mailto:andrew@pricefarmsllc.com)**, 719-849-3281. Amended Application for Change of Water Right in Alamosa County.** Decreed water right for which change is sought: Name of structure: Well No. 5, Case No. 2005CW20, WDID 2705719. Permit No. 84665-F This well was originally decreed in Case No. W-791 as Well No.5 Date of original and all relevant subsequent decrees: January 9, 1975 (Case No. W-791) and January 30, 2008 (case No. 2005CW20) Legal description of structure as described in most recent decree that adjudicated the location: SW1/4 SW1/4 Section 20, Township 41 North, Range 8 East, NMPM, in Saguache County, Colorado, at a point 660 feet from the South Section line and 150 feet from the West Section Line. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 115 feet with 95 feet of perforated casing. Appropriation Date: December 31, 1953.Total amount decreed to structure in gallons per minute: Absolute 15 GPM for Commercial Use Absolute 1, 985 GPM for Irrigation Use Decreed use or uses: Evaporative cooling, washing, and humidification of potatoes in a storage facility and irrigation of not more than 148 acres within the SW1/4 Section 20, Township 41 North, Range 8 East, NMPM. Amount of water that Applicant intends to change: Absolute 15 GPM Commercial - Humidification. Maximum volume. 2.24-acre feet. (See below). Applicant will commit a sufficient amount of flowrate and annual appropriation from Well No. 5 to effectuate this requested change of water right. Name of Structure: Well No. 4, Case No. W-791, WDID 2705391, Permit Number 1390-R. Date of original and all relevant and subsequent decrees: January 9, 1975. Legal description of structure as described in the most recent decree that adjudicated the location: SW1/4 SW1/4 Section 20, Township 41 North, Range 8 East, NMPM, in Saguache County, Colorado, at a point 40 feet from the South Section line and 150 feet from the West Section Line. Decreed source of water. Unconfined Aquifer of the Closed Basin. The depth of the well is 104 feet with 84 feet of perforated casing. Appropriation Date: December 31, 1948. Total amount decreed to structure in gallons per minute: 2,100 GPM Absolute. Decree use or uses: Irrigation of SW1/4 of Section 20, Township 41 North, Range 8 East, NMPM. Amount of water Applicant intends to change: That amount necessary to effectuate the requested change of water right. However, this is not the primary well involved in the change of water rights. Well No. 4 is an additional irrigation well located on the SW1/4 Section 20, Township 41 North, Range 8 East, NMPM that was not a part of Case No. 2005CW20. Name of Structure: Well No. 5-A, Case No. 2005CW20, WDID 2706276, Permit Number 23496-F Date of original and all relevant and subsequent decrees. January 8, 2008. Legal description of structure as described in the most recent decree that adjudicated the location: SW1/4 SW1/4 of Section 20, Township 41 North, Range 8 East, NMPM, at a point 1310 feet from the South section line and 1310 feet from the West section line. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 91 feet with 61 feet of perforated casing. Appropriation Date: December 31, 1953. Total amount decreed to structure in gallons per minute: 1,000 GPM Absolute Decree use or uses: Irrigation of the SW1/4 of Section 20, Township 41 North, Range 8 East, NMPM. Amount of water Applicant intends to change: That amount necessary to effectuate the requested change of water right. However, this is not the primary well involved in the change of water rights. Well No. 5-A is located at the center of the quarter section and is a water supply for the center pivot sprinkler. Detailed description of proposed change: A. Applicant requests 15 gpm decreed as commercial use water in Case No. 2005CW20 be increased to allow 2.243 acre feet of annual consumptive use. To increase the annual appropriation from Well No. 5 for commercial use, seven (7) acres of land historically subject to irrigation by Well No. 5 and Well No. 5-A, will be permanently dried up from groundwater irrigation. Well No. 5, WDID 2705719 to be used for commercial purposes for:  
> One Potato Storage Facility, which stores up to 300,000 cwt of potatoes.  
> Equipment washing.  
> One bathroom.  
> Landscaping up to 0.25 acres.  
B. The applicant will designate a portion of its irrigated land (Field 2) to be changed from irrigation of land to “dry up” so the subject well can be further decreed for additional commercial use. C. The Estimated Water Usage Needed.

Text

Description automatically generated



Well No. 5, Case No. W-791 (as modified by Case No. 2005CW20) will be used for the above  
commercial uses. It will also be used in combination with Well No. 4, Case No. W-791 and Well No. 5- A, Case No. 2005CW20 for irrigation of the SW14 Section 20, Township 41 North, Range 8 East, NMPM. A total of 15 gpm was removed from the 2,000 gpm decreed to Well No. 5 in Case No. 2005CW20. The subject well has already become a non-exempt well structure with partial year-round commercial use under the decree for 2005CW20. The well will subject to the Rules Governing the Withdrawal of Groundwater in Water Division No. 3. (The Rio Grande Basin) as finalized in Case No. 15CW3024. E. In the original Case No. 2005CW20, the subject well was set up to provide humidification and storage of 100,000 cwt of potatoes. The total decreed volume for commercial use is 0.70 AF for commercial use. Since that time, the Applicant has expanded the storage facility to 300,000 cwt capacity. This application seeks to modify / increase the commercial use of Well No. 5 for commercial use via additional dry up of land historically irrigated with Well Nos. 4, 5, and 5-A. Name and address of reputed owner: Price Heritage, LLC, 48065 CR C Center, CO 81125

**2024CW2: Crestone View Farms, LLC; 4575 Highway 285 Center, CO 81125;** [**terrygood.hvh@gmail.com**](mailto:terrygood.hvh@gmail.com)**; 719-850-1143. Application for Change of Water Right in Saguache County.** Determination of legal use of Well No. 3, Case No. W-239, Permit No. 2232-F Decreed water right for which change is sought: Name of structure: Well No. 3, Case No. W-239, Permit No. 2232-F, WDID 2705644 (Well No. 3). Date of original and all relevant subsequent decrees: August 8, 1974, Case No: W-239. Court: District Court, Water Division No. 3. Legal description of structure: SW1/4 NE1/4 Section 8, Township 41 North, Range 8 East, NMPM at a point 2624 feet from the North section line and 2615 feet from the East section line in Saguache County Colorado. Decreed source of water: Unconfined Aquifer (well is 74 feet deep with plain casing to 20 feet and perforated from 10 feet to 74 feet). Appropriation Date: July 5, 1959. Total amount decreed to structure: 1400 gpm = 3.12 cfs Decreed use or uses: Irrigation Amount of water that applicant intends to change: 1400 gpm. Detailed description of proposed change: Applicant seeks a Court Determination that Well No. 3 can be legally used to irrigate the entire NE1/4 Section 8, Township 41 North, Range 8 East, NMPM. Well No. 3 is one of three irrigation wells that have historically served for irrigation of the NE1/4 Section 8, Township 41 North, Range 8 East, NMPM. The other two wells are: Well No. 1, Case No. W-239, Permit No. 1302-R, WDID 2705436, 1800 gpm, 1949, (Well No. 1) Well No. 2, Case No. W-239, Permit No. 1303-R, WDID 2705437, 800 gpm, 1953, (Well No. 2) The decree for Well No. 3 did not specify an area of use (copy of decree attached). The application to Water Court for Well No. 3 stated, “This is an old well and has always been used for irrigation”. The same is true for the applications for Well Nos. 1 and 2. The well permit for Well No. 3 stated the use was to be irrigation on/at the NE1/4 Section 8, Township 41 North, Range 8 East, NMPM. However, the total acreage irrigated was listed as “80 acres” on the 2232-F well permit. The late registrations of Well Nos. 1 (1302-R) and 2 (1303-R) both clearly state the purpose of the wells was irrigation of the entire NE1/4 Section 8, Township 41 North, Range 8 East, NMPM. Well nos. 1 and 2 pre-dated Well No. 3. Well nos. 1 and 2 were clearly appropriated to irrigate the NE% Section 8, Township 41 North, Range 8 East, NMPM. When drilled in 1959, the 2232-F Log and History for Well No. 3 stated irrigation use on “NE1/4 Section 8, Township 41 North, Range 8 East, NMPM”. Applicant needs to connect Well No. 3 as an additional water supply to the sprinkler as the production from Well No. 1 has declined. The Division of Water Resources will not approve the use of Well No. 3 as a legal water source to the sprinkler until a decree of the Water Court allows it. Additional facts regarding this matter:  
• Surface water rights associated with this field are supplied through the San Luis Valley  
Irrigation District.  
• A recharge pit has been constructed in the southwest corner of the field to recharge  
surface water shares.  
• The sprinkler was placed on the field in 1978. The sprinkler was originally supplied via a  
ditch that could provide surface water as well as water from any of the three wells. This  
was the irrigation system in place when Crestone View Farms purchased the property in  
2011.  
• Well No. 1 became the sole water supply to the sprinkler in approximately 2012. An  
average of 220 acre-feet per year has been supplied from Well No. 1 to the sprinkler.  
• All wells are participating structures within Groundwater Management Subdistrict No. 1.  
• Well No. 1 has been properly metered with regular meter calibrations since 2007.  
• Well No. 3 is situated very near well nos. 1 and 2 in the southwest corner of the NE1/4  
Section 8, Township 41 North, Range 8 East, NMPM. From that location, any part of the NE1/4 Section 8, Township 41 North, Range 8 East, NMPM could have been irrigated by Well Nos. 1, 2, or 3.  
• Well No. 3 was the water supply for a short sprinkler in the southwest sprinkler corner for  
several years. That sprinkler was removed prior to 2011.  
• The irrigation ditches put in place to use Well No. 1 in 1949 and add Well No. 2 in 1953  
were in place when Well No. 3 was drilled in 1959. Thus, making Well No. 3 available for  
irrigation of the NE1/4 Section 8, Township 41 North, Range 8 East, NMPM.  
• Ownership of the entire quarter was held by Calvin Taylor from 1977 to 2011. Taylor took  
ownership from the W-239 applicants: Reno E. Dunbar and Maude S. Dunbar. Reno  
Dunbar was the registrant of Well Nos. 1 and 2 in 1960.  
• See attached statement of previous owner, Calvin Taylor about his knowledge of historic  
well use.  
NOTE: In the event the Court is unable to determine an appropriation was made to use Well No. 3 on the entire NE1/4 Section 8, Township 41 North, Range 8 East, NMPM and that the legal use of Well No. 3 is the entire NE1/4 Section 8, Township 41 North, Range 8 East, NMPM, Applicant makes an alternate claim to make Well No. 3 an alternate point of diversion to Well No. 2 which is also decreed to produce from the unconfined aquifer. If applicant is correcting the location of a well in an existing decree where the actual location of the well is more than 200 feet from the decreed location or drilling a replacement well more than 200 feet from the decreed location, provide legal descriptions of decreed location and actual or new location of well. NA. Applicant seeks to confirm Well No. 3 as a legal water supply for irrigation of the NE1/4 Section  
8, Township 41 North, Range 8 East, NMPM. Name and address of reputed owner: Crestone View Farms, LLC; 4575 Highway 285 Center, CO 81125.

You are notified that you have until the last day of March 2024, to file with the Water Clerka verified statement of opposition setting forth facts as to why a certain applicationshould not be granted or why it should be granted only in part or on certain conditions ora protest to the requested correction. A copy of such a statement of opposition orprotest must also be served upon the Applicant or the Applicant’s attorney and anaffidavit or certificate of such service must be filed with the Water Clerk. The filing feefor the Statement of Opposition is $192.00. Forms may be obtained from the WaterClerk’s Office or our website at www.courts.state.co.us. Jennifer Pacheco, Water Clerk,Water Division 3, 8955 Independence Way, Alamosa, CO 81101.